

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-JFD

This Document Relates To:
ALL ACTIONS

**JOINT REPORT IN ADVANCE
OF FEBRUARY 22, 2023
STATUS CONFERENCE**

Counsel for Direct Purchaser Plaintiffs, Consumer Indirect Purchaser Plaintiffs, and Commercial and Institutional Indirect Purchaser Plaintiffs, the Commonwealth of Puerto Rico, and the Direct Action Plaintiffs (collectively, “Plaintiffs”) and Defendants (collectively, the “Parties”), in the above-captioned consolidated action submit the following report in advance of the February 22, 2023 status conference.

The parties have no issues to raise with the Court at this time. The Parties note that depositions continue to be scheduled for a few remaining Direct Action Plaintiffs, and that the Parties are expecting a response from the USDA shortly relating to deposition topics pursuant to the USDA’s *Touhy* regulations. There are no disputes on these topics ripe for Court intervention. The Parties do not believe a status conference is necessary at this time, but will of course be happy to make themselves available at the Court’s discretion.

DATED: February 17, 2023

/s/ Bobby Pouya

Bobby Pouya
Clifford H. Pearson
Daniel L. Warshaw
Michael H. Pearson
PEARSON WARSHAW, LLP
15165 Ventura Boulevard, Suite 400
Sherman Oaks, CA 92403
T: (818) 788-8300
cpearson@pwfirm.com
dwarshaw@pwfirm.com
bpouya@pwfirm.com
mpearson@pwfirm.com

Melissa S. Weiner (MN #0387900)
PEARSON WARSHAW, LLP
328 Barry Avenue South, Suite 200
Wayzata, MN 55391
T: (612) 389-0600
mweiner@pwfirm.com

Bruce L. Simon
Benjamin E. Shiftan
Neil Swartzberg
PEARSON WARSHAW, LLP
555 Montgomery Street, Suite 1205
San Francisco, CA 94111
T: (415) 433-9000
F: (415) 433-9008
bsimon@pwfirm.com
bshiftan@pwfirm.com
nswartzberg@pwfirm.com

Respectfully submitted,

/s/ Joseph C. Bourne

Joseph C. Bourne (MN #0389922)
W. Joseph Bruckner (MN #0147758)
Brian D. Clark (MN #0390069)
Arielle S. Wagner (MN #0398332)
Craig S. Davis (MN #0148192)
Simeon A. Morbey (MN #0391338)
Stephen M. Owen (MN # 0399370)
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
T: (612) 339-6900
jcbourne@locklaw.com
wjbruckner@locklaw.com
bdclark@locklaw.com
aswagner@locklaw.com
csdavis@locklaw.com
samorbey@locklaw.com
smowen@locklaw.com

*Co-Lead Class Counsel for Direct Purchaser
Plaintiffs*

/s/ Shana E. Scarlett

Shana E. Scarlett

**HAGENS BERMAN SOBOL
SHAPIRO LLP**

715 Hearst Avenue, Suite 202
Berkeley, CA 94710
T: (510) 725-3000
shanas@hbsslaw.com

Steve. W. Berman

Breanna Van Engelen

**HAGENS BERMAN SOBOL
SHAPIRO LLP**

1301 2nd Avenue, Suite 2000
Seattle, WA 98101
T: (206) 623-7292
steve@hbsslaw.com
breannav@hbsslaw.com

/s/ Daniel E. Gustafson

Daniel E. Gustafson (#202241)

Daniel C. Hedlund (#258337)

Michelle J. Looby (#388166)

Joshua J. Rissman (#391500)

GUSTAFSON GLUEK PLLC

120 South 6th Street, Suite 2600
Minneapolis, MN 55402
T: (612) 333-8844
dgustafson@gustafsongluek.com
dhedlund@gustafsongluek.com
mlooby@gustafsongluek.com
jrisman@gustafsongluek.com

***Co-Lead Counsel for Consumer Indirect
Purchaser Plaintiffs***

/s/ Shawn M. Raiter

Shawn M. Raiter (MN# 240424)

LARSON • KING, LLP

2800 Wells Fargo Place
30 East Seventh Street
St. Paul, MN 55101
T: (651) 312-6518
sraiter@larsonking.com

/s/ Blaine Finley

Jonathan W. Cuneo

Joel Davidow

Blaine Finley

CUNEO GILBERT & LADUCA, LLP

4725 Wisconsin Avenue NW, Suite 200
Washington, DC 20016
T: (202) 789-3960
jonc@cuneolaw.com
joel@cuneolaw.com
bfinley@cuneolaw.co

***Co-Lead Counsel for Commercial and
Institutional Indirect Purchaser Plaintiffs***

/s/ Kyle G. Bates

Kyle G. Bates

HAUSFELD LLP

600 Montgomery Street, Suite 3200

San Francisco, CA 94111

T: (415) 633-1908

kbates@hausfled.com

Peter B. Schneider

SCHNEIDER WALLACE COTTRELL

KONECKY WOTKYNs LLP

3700 Buffalo Speedway, Suite 300

Houston, Texas 77098

T: (713) 338-2560

F: (415)421-7105

pschneider@schneiderwallace.com

Todd M. Schneider

Matthew S. Weiler

SCHNEIDER WALLACE COTTRELL

KONECKY WOTKYNs LLP

2000 Powell St., Suite 1400

Emeryville, California 94608

T: (415) 421-7100

tschneider@schneiderwallace.com

mweiler@schneiderwallace.com

Garrett W. Wotkyns

SCHNEIDER WALLACE COTTRELL

KONECKY WOTKYNs LLP

8501 N. Scottsdale Road, Suite 270

Scottsdale, Arizona 85253

T: (480) 428-0145

gwotkyns@schneiderwallace.com

Domingo Emanuelli-Hernández

Attorney General

Guarionex Díaz Martínez

Assistant Attorney General

Antitrust Division

Puerto Rico Department of Justice

P.O. Box 9020192

San Juan, Puerto Rico 00902-0192

T: (787) 721-2900, ext. 2600, 2601

F: (787) 721-3223

gdiaz@justicia.pr.gov

Counsel for the Commonwealth of Puerto Rico

/s/ Robert N. Kaplan

Robert N. Kaplan
Matthew P. McCahill
Jason A. Uris
**KAPLAN FOX &
KILSHEIMER, LLP**
850 Third Avenue, 14th Floor
New York, New York 10022
T: (212) 687-1980
rkaplan@kaplanfox.com
mmccahill@kaplanfox.com
juris@kaplanfox.com

/s/ Richard L. Coffman

Richard L. Coffman
THE COFFMAN LAW FIRM
3355 W. Alabama St., Suite 240
Houston, Texas 77098
T: (713) 528-6700
rcoffman@coffmanlawfirm.com

/s/ Eric R. Lifvendahl

Eric R. Lifvendahl
L&G LAW GROUP, LLP
175 W. Jackson Blvd., Suite 950
Chicago, Illinois 60604
T: (312) 364-2500
elifvendahl@lgcounsel.com

/s/ Bernard D. Marcus

Bernard D. Marcus
Moira Cain-Mannix
Brian C. Hill
MARCUS & SHAPIRA LLP
One Oxford Center, 35th Floor
Pittsburgh, Pennsylvania 15219
T: (412) 471-3490
marcus@marcus-shapira.com
cain-mannix@marcus-shapira.com
hill@marcus-shapira.com

*Counsel for MDL DAPs Action Meat
Distributors, Inc., Topco Associates, LLC,
Alex Lee, Inc./Merchants Distributors,
LLC, Associated Food Stores, Inc.,
Brookshire Grocery Company, Colorado
Boxed Beef Co., Certco, Inc., The Golub
Corporation, Nicholas & Co., PFD
Enterprises, Inc., SpartanNash Company,
Springfield Grocer Company, The
Distribution Group d/b/a Van Eerden
Foodservice Co., Troyer Foods, Inc., URM
Stores, Inc., and Giant Eagle, Inc*

/s/ David C. Eddy

David C. Eddy
Dennis J. Lynch
Travis C. Wheeler
NEXSEN PRUET, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
T: (803) 771-8900
deddy@nexsenpruet.com
dlynch@nexsenpruet.com
twheeler@nexsenpruet.com

Counsel for MDL DAPs Conagra Brands, Inc., Nestlé USA, Inc.; Nestlé Purina PetCare Co.; Compass Group USA, Inc.; and Howard B. Samuels, solely as Chapter 7 Trustee of the estate of Central Grocers, Inc.

/s/ Patrick J. Ahern

Patrick J. Ahern
AHERN & ASSOCIATES, P.C.
Willoughby Tower
8 South Michigan Avenue, Suite 3600
Chicago, Illinois 60603
T: (312) 404-3760
patrick.ahern@ahernandassociatespc.com

Counsel for Plaintiffs Winn-Dixie Stores, Inc.; Bi-Lo Holdings, LLC; and Kraft Heinz Foods Company

/s/ David B. Esau

David B. Esau
Kristin A. Gore
Garth T. Yearick
Amanda R. Jesteadt
CARLTON FIELDS, P.A.
525 Okeechobee Boulevard, Suite 1200
West Palm Beach, Florida 33401
T: (561) 659-7070
F: (561) 659-7368
desau@carltonfields.com
kgore@carltonfields.com
gyearick@carltonfields.com
ajesteadt@carltonfields.com

Roger S. Kobert
405 Lexington Avenue, 36th Floor
New York, New York 10174-3699
T: (212) 785-2577
F: (212) 785-5203
rkobert@carltonfields.com

Aaron A. Holman
Chelsey J. Clements
200 S. Orange Avenue, Suite 1000
Orlando, Florida 32801
T: (407) 849-0300
F: (407) 648-9099
aholman@carltonfields.com
cclements@carltonfields.com

Scott L. Menger
2029 Century Park East, Suite 1200
Los Angeles, California 90067
T: (310) 843-6300
F: (310) 843-6301
smenger@carltonfields.com

Counsel for Cheney Brothers, Inc.; Subway Protein Litigation Corp., as Litigation Trustee of the Subway® Protein Litigation Trust; Buffalo Wild Wings, Inc.;

***Jimmy John's Buying Group SPV, LLC;
Sonic Industries Services Inc.; CKE
Restaurants Holdings, Inc.; Wawa, Inc.;
and Restaurant Services, Inc.***

/s/ Philip J. Iovieno

Philip J. Iovieno
Nicholas A. Gravante, Jr.
Lawrence S. Brandman
Jack G. Stern
Gillian Groarke Burns
Mark A. Singer
Elizabeth R. Moore
**CADWALADER, WICKERSHAM &
TAFT LLP**

200 Liberty Street
New York, New York 10281
T: (212) 504-6000
philip.iovieno@cwt.com
nicholas.gravante@cwt.com
lawrence.brandman@cwt.com
jack.stern@cwt.com
gillian.burns@cwt.com
mark.singer@cwt.com
elizabeth.moore@cwt.com

***Counsel for MDL DAPs Jetro Holdings,
LLC and BJ's Wholesale Club, Inc. and
Co- Counsel for Plaintiffs Kraft Heinz
Foods Company; Winn-Dixie Stores,
Inc.; and Bi-Lo Holdings, LLC***

/s/ Scott E. Gant

Scott E. Gant
Michael S. Mitchell
BOIES SCHILLER FLEXNER LLP
1401 New York Ave., NW
Washington, DC 20005
T: 202-237-2727
sgant@bsfllp.com
mmitchell@bsfllp.com

Colleen Harrison
BOIES SCHILLER FLEXNER LLP
333 Main Street
Armonk, New York 10504
T: (914) 749-8204
charrison@bsfllp.com

Sarah L. Jones
BOIES SCHILLER FLEXNER LLP
725 South Figueroa Street
Los Angeles, California 90017
sjones@bsfllp.com

***Counsel for MDL DAPs Sysco Corporation
and Amory Investments LLC***

By: /s/ Samuel J. Randall

Richard Alan Arnold
William J. Blechman
Kevin J. Murray
Douglas H. Patton
Samuel J. Randall
Michael A. Ponzoli
KENNY NACHWALTER, P.A.
1441 Brickell Avenue, Suite 1100
Miami, Florida 33131
T: (305) 373-1000
F: (305) 372-1861
rarnold@knpa.com
wblechman@knpa.com
kmurray@knpa.com
dpatton@knpa.com
srandall@knpa.com
mponzoli@knpa.com

Counsel for The Kroger Co., Albertsons Companies, Inc., Hy-Vee, Inc., Save Mart Supermarkets, and US Foods, Inc.

By: /s/ Christopher P. Wilson

William C. Lavery
Christopher P. Wilson
Danielle Morello
Wyatt M. Carlock
BAKER BOTTS LLP
700 K Street NW
Washington, DC 20001
Telephone: (202) 639-7700
Facsimile: (202) 539-7890
william.lavery@bakerbotts.com
christopher.wilson@bakerbotts.com
danielle.morello@bakerbotts.com
wyatt.carlock@bakerbotts.com

*Counsel for Direct Action Plaintiff
ALDI Inc.*

By: /s/ David P. Germaine

Paul E. Slater
Joseph M. Vanek
David P. Germaine
Phillip F. Cramer
Alberto Rodriguez
Jeffrey H. Bergman
SPERLING & SLATER, LLC
55 West Monroe Street, Suite 3200
Chicago, Illinois 60603
T: (312) 641-3200
F: (312) 641-6492
pes@sperling-law.com
jvanek@sperling-law.com
dgermaine@sperling-law.com
pcramer@sperling-law.com
arodriguez@sperling-law.com
jbergman@sperling-law.com

*Counsel for Direct Action Plaintiffs
Associated Grocers of the South, Inc.,
Dollar General Corporation, Dolgencorp,
LLC, Meijer, Inc., Meijer Distribution,
Inc., Publix Super Markets, Inc., Raley's,
United Natural Foods, Inc., Supervalu,
Inc., Associated Grocers of Florida, Inc.,
Unified Grocers, Inc., Tony's Fine Foods,
and Wakefern Food Co.*

/s/ Tiffany Rider Rohrbaugh

Rachel J. Adcox (*pro hac vice*)
Tiffany Rider Rohrbaugh (*pro hac vice*)
Lindsey Strang Aberg (*pro hac vice*)
Brandon Boxbaum (*pro hac vice*)
Allison Vissichelli (*pro hac vice*)
Keith Holleran (*pro hac vice*)

**AXINN, VELTROP &
HARKRIDER LLP**

1901 L Street NW
Washington, DC 20036
(202) 912-4700
radcox@axinn.com
trider@axinn.com
lstrang@axinn.com
bboxbaum@axinn.com
avissichelli@axinn.com
kholleran@axinn.com

Jarod Taylor (*pro hac vice*)

**AXINN, VELTROP &
HARKRIDER LLP**

90 State House Square
Hartford, CT 06103
(860) 275-8109
jtaylor@axinn.com

Kail Jethmalani (*pro hac vice*)

Craig M. Reiser (*pro hac vice*)

Andrea Rivers (*pro hac vice*)

Victoria J. Lu (*pro hac vice*)

**AXINN, VELTROP &
HARKRIDER LLP**

114 West 47th Street
New York, NY 10036
(212) 728-2200
kjethmalani@axinn.com
creiser@axinn.com
arivers@axinn.com
vlu@axinn.com

/s/ Craig S. Coleman

Richard A. Duncan (#0192983)
Aaron D. Van Oort (#0315539)
Craig S. Coleman (#0325491)
Emily E. Chow (#0388239)
Isaac B. Hall (#0395398)
**FAEGRE DRINKER BIDDLE &
REATH LLP**
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
(612) 766-7000
richard.duncan@faegredrinker.com
aaron.vanoort@faegredrinker.com
craig.coleman@faegredrinker.com
emily.chow@faegredrinker.com
isaac.hall@faegredrinker.com

Jacob D. Bylund (*pro hac vice*)

Stephanie A. Koltookian (*pro hac vice*)

Robert C. Gallup (#0399100)

**FAEGRE DRINKER BIDDLE &
REATH LLP**

801 Grand Ave., 33rd Floor
Des Moines, IA 50309
(515) 248-9000
jacob.bylund@faegredrinker.com
stephanie.koltookian@faegredrinker.com
robert.gallup@faegredrinker.com

Jonathan H. Todt (*pro hac vice*)

**FAEGRE DRINKER BIDDLE &
REATH LLP**

1500 K Street NW, Suite 1100
Washington, DC 20005
(202) 842-8800
jonathan.todt@faegredrinker.com

David P. Graham (#0185462)
DYKEMA GOSSETT PLLC
4000 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
(612) 486-1521
dgraham@dykema.com

*Counsel for Tyson Foods, Inc., Tyson
Prepared Foods, Inc. and Tyson Fresh
Meats, Inc.*

/s/ Mark L. Johnson
Mark L. Johnson (#0345520)
Davida S. McGhee (#0400175)
GREENE ESPEL PLLP
222 South Ninth Street, Suite 2200
Minneapolis, MN 55402
(612) 373-0830
mjohnson@greeneespel.com
dwilliams@greeneespel.com

Daniel Laytin, P.C. (*pro hac vice*)
Christa Cottrell, P.C. (*pro hac vice*)
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 861-2000
daniel.laytin@kirkland.com
christa.cottrell@kirkland.com

*Counsel for Clemens Food Group, LLC
and The Clemens Family Corporation*

John S. Yi (*pro hac vice*)
**FAEGRE DRINKER BIDDLE &
REATH LLP**
One Logan Square, Suite 2200
Philadelphia, PA 19103
(215) 988-2700
john.yi@faegredrinker.com

Counsel for Hormel Foods Corporation

/s/ John A. Cotter
John A. Cotter (#0134296)
John A. Kvinge (#0392303)
**LARKIN HOFFMAN DALY &
LINDGREN LTD.**
8300 Norman Center Drive, Suite 1000
Minneapolis, MN 55427-1060
(952) 835-3800
jcotter@larkinhoffman.com
jkvinge@larkinhoffman.com

Richard Parker (*pro hac vice*)
Josh Lipton (*pro hac vice*)
GIBSON, DUNN & CRUTCHER, LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306
(202) 955-8500
rparker@gibsondunn.com
jlipton@gibsondunn.com

Brian Robison (*pro hac vice*)
BROWN FOX PLLC
6303 Cowboys Way, Suite 450
Frisco, TX 75034
(972) 707-1809
brian@brownfoxlaw.com

Counsel for Smithfield Foods, Inc.

/s/ Peter H. Walsh

Peter H. Walsh (#0388672)

HOGAN LOVELLS US LLP

80 South Eighth Street, Suite 1225

Minneapolis, MN 55402

(612) 402-3000

peter.walsh@hoganlovells.com

William L. Monts (*pro hac vice*)

Justin W. Bernick (*pro hac vice*)

HOGAN LOVELLS US LLP

Columbia Square

555 Thirteenth Street, NW

Washington, D.C. 20004

(202) 637-5600

william.monts@hoganlovells.com

justin.bernick@hoganlovells.com

Counsel for Agri Stats, Inc.

/s/ Christopher A. Smith

Aaron Chapin (#0386606)

Christopher A. Smith (*pro hac vice*)

Tessa K. Jacob (*pro hac vice*)

A. James Spung (*pro hac vice*)

Jason Husgen (*pro hac vice*)

Sarah L. Zimmerman (MDL registered)

Kate Ledden (MDL registered)

Tanner Cook (MDL registered)

HUSCH BLACKWELL LLP

190 Carondelet Plaza, Ste 600

St. Louis, MO 63105

Telephone: (314) 480-1500

aaron.chapin@huschblackwell.com

chris.smith@huschblackwell.com

tessa.jacob@huschblackwell.com

james.spung@huschblackwell.com

jason.husgen@huschblackwell.com

sarah.zimmerman@huschblackwell.com

kate.ledden@huschblackwell.com

tanner.cook@huschblackwell.com

Counsel for Triumph Foods, LLC

/s/ William L. Greene

William L. Greene (#0198730)
Peter J. Schwingler (#0388909)
William D. Thomson (#0396743)
STINSON LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
(612) 335-1500
william.greene@stinson.com
peter.schwingler@stinson.com
william.thomson@stinson.com

J. Nicci Warr (*pro hac vice*)

STINSON LLP
7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105
(314) 863-0800
nicci.warr@stinson.com

***Counsel for Seaboard Foods LLC and
Seaboard Corporation***

/s/ Jessica J. Nelson

Donald G. Heeman (#0286023)
Jessica J. Nelson (#0347358)
Randi J. Winter (#0391354)
SPENCER FANE LLP
100 South Fifth Street, Suite 1900
Minneapolis, MN 55402-4206
(612) 268-7000
dheeman@spencerfane.com
jnelson@spencerfane.com
rwinter@spencerfane.com

Stephen R. Neuwirth (*pro hac vice*)

Michael B. Carlinsky (*pro hac vice*)
Sami H. Rashid (*pro hac vice*)
Richard T. Vagas (*pro hac vice*)
David B. Adler (*pro hac vice*)
**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000
stephenneuwirth@quinnemanuel.com
michaelcarlinsky@quinnemanuel.com
samirashid@quinnemanuel.com
richardvagas@quinnemanuel.com
davidadler@quinnemanuel.com

Counsel for JBS USA Food Company